

REMARKS/ARGUMENTS

This communication responds to the Office Action dated March 15. In that Office Action, the Examiner rejected claims 13, 25-33 and 35-42. The rejections of the claims are traversed.

In this response, Fig. 2B, the specification, and claims 23, 33 and 40 are amended. No new matter has been added by these amendments.

Rejections Under 35 U.S.C. § 112

Claims 23, 25-33 and 35-42 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In order to advance prosecution of the application, the independent claims now recite: “said plane bisecting the length of the receiver between the closed circumferential portion and the opened circumferential portion.” That is, the plane must bisect the receiver so that the closed circumferential portion has a circumference of at least 180° because each of the independent claims recites: “a closed circumferential portion having a circumference of at least 180°”, and accordingly the lugs must be arranged on the opened circumferential portion so that they do not cross-over the plane and into the area of the closed circumferential portion. Fig. 2B shows the plane provided in the independent claims.

In view of the amendments to the independent claims, reconsideration and withdrawal of the § 112, second paragraph are requested.

Rejections under 35 U.S.C. § 102

Claims 23, 25, 29-31, 33, 35 and 39-42 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,141,221 to Faulls, Jr. (hereinafter “Faulls”).

Claims 26 and 36 stand rejected under 35 U.S.C. 103(a) over Faulls in view of U.S. Patent Publication No. 2003/0188510 to Vargas (hereinafter “Vargas”).

Claims 27-28 and 37-38 stand rejected under 35 U.S.C. § 103(a) over Faulls in view of Japanese Patent No. 8-258851.

The rejections of the claims are improper for at least the following reasons. As provided in the specification, drawings and the claims, the elongated receiver portion comprises “lugs coupled to the opened circumferential portion” “spaced apart from the central opening” “arranged outside of a plane corresponding to said closed circumferential portion” and “ridges,” together which “provide an indented gripping surface adjacent to the central opening.” Fig. 2B depicts intended gripping surfaces, which are clearly pointed out by the addition of element 21 to Fig. 2B. The specification has been amended to clarify the ridges 19 and indented gripping surfaces 21 together provide intended gripping surfaces 21. No new matter has been added by the amendments to the specification and to Fig. 2B because ridges 19 are recited in other portions of the specification, and the references to gripping surfaces 21 in the specification and the drawings explicitly points out the feature originally provided in Fig. 2B.

Faulls at does not disclose “an indented gripping surface adjacent to the central opening” formed by the lugs and ridges as provided by the independent claims. This is because the portion of outer member 13, which the Office Action designates as lugs (*see* Page 4), do not have a “distal end . . . coupled to the opened circumferential portion spaced apart from the central opening,” from the independent claims. Rather, Faulls at Figs. 2-4 depicts stiffening bead 14a, 15a arranged at or at least directly next to the opening of outer member 13. Thus, even if Faulls provides gripping surfaces, as is suggested at page 4 of the Office Action, the gripping surfaces are not indented gripping surfaces, which, in the present invention results from the arrangement of the lugs spaced apart from the ridges at the central opening as claimed. Further, Faulls does not suggest that outer member 13 may have alternate configurations that include an indented gripping surface.

Vargas too does not disclose “an indented gripping surface adjacent to the central opening” formed by the lugs and ridges as provided by the independent claims. Rather, Vargas discloses elongate planar member 18 in the plane of the closed circumferential portion. *See e.g.*, Fig. 2 of Vargas. This is contrary to the claimed elongate sealing member in which the ridges and lugs form the indented gripping surface in a plane below the closed circumferential portion.

See e.g., Fig. 2b of the application. Nor does Vargas provide alternate teachings for providing an indented gripping surface in the manner provided in the independent claims. Therefore, even if Vargas were considered to disclose a handle as provided in claims 26 and 36, there is nothing in Vargas that would lead one to configure the elongated sealing member in the manner claimed in independent claims 23 and 33, from which claims 26 and 36 depend.

Similarly, the Japanese reference does not disclose “an indented gripping surface adjacent to the central opening” formed by the lugs and ridges as provided by the independent claims. At Fig. 8 of the Japanese reference, element 71 is provided, which extends into the plane of the closed circumferential portion. This too is contrary to the claimed elongate sealing member in which the ridges and lugs form the indented gripping surface in a plane below the closed circumferential portion. Further, the Japanese reference does not suggest an alternative to element 71. Thus, even if the Japanese reference discloses a lanyard as provided in claims 27-28 and 37-38, there is nothing in the Japanese reference that would lead one to configure the elongated sealing member in the manner claimed in independent claims 23 and 33, from which claims 27-28 and 37-38 depend.

The combination of Faulls and Vargas or Faulls and the Japanese reference too does not provide one of ordinary skill in the art with an understanding of the claimed invention and the present invention is not obvious over the cited references. Recently, the U.S. Supreme Court indicated:

When it first established the requirement of demonstrating a teaching, suggestion, or motivation to combine known elements in order to show that the combination is obvious, the Court of Customs and Patent Appeals captured a helpful insight. . . . a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.

KSR Int’l Co. v. Teleflex, Inc., 127 S.Ct 1727, 1741 (2007). The PTO should provide “an apparent reason to combine the known elements in the *fashion claimed*” and “this analysis should be made explicit.” *KSR*, 127 S.Ct. at 1741 (emphasis added). In the Office Action none

of the cited references provides any teaching for providing “lugs coupled to the opened circumferential portion” “spaced apart from the central opening” “arranged outside of a plane corresponding to said closed circumferential portion” and “ridges,” together which “provide an indented gripping surface adjacent to the central opening.” Thus, one of skill in the art would not be motivated by the cited references to provide an elongated receiver portion in the way claimed.

In view of the above, reconsideration and withdrawal of the §§ 102 and 103 rejections are requested.

CONCLUSION


This application now stands in allowable form and reconsideration and allowance are respectfully requested.

No fee is deemed necessary. The Commissioner is also hereby authorized to charge any fee deficiency or credit any overpayment associated with this paper to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

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By: 
Bridget M. Hayden
Reg. No. 56,904
Phone: (612) 492-6867

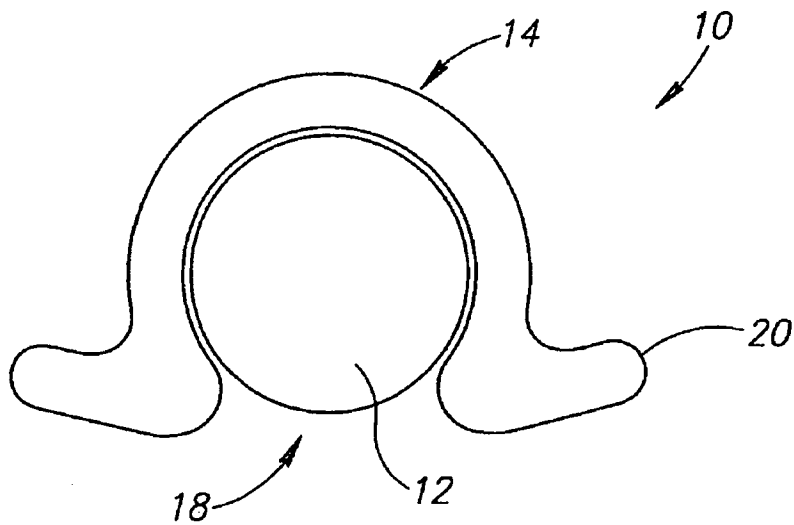


FIG. 2A

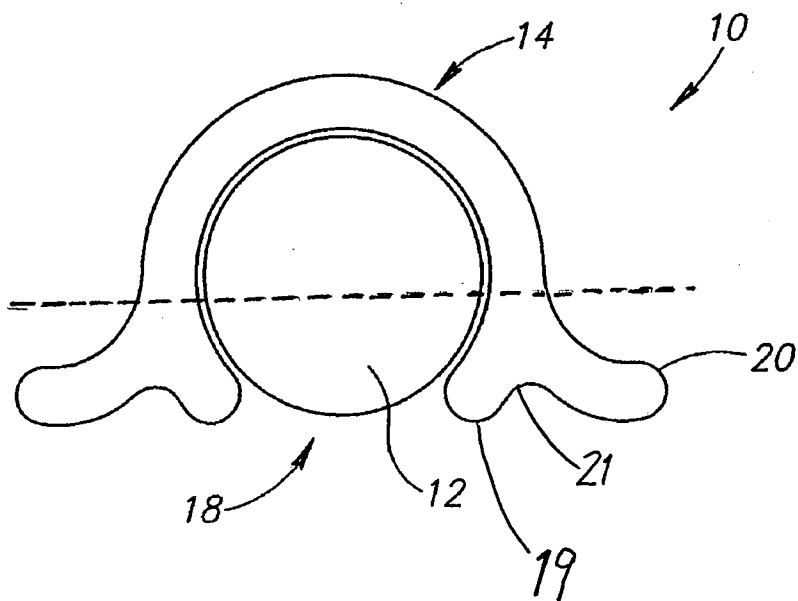


FIG. 2B